

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE) Chapter 7
)
MICHAEL HELMSTETTER,) Case No. 19-28687
)
Debtor.) **Hon. Jacqueline P. Cox**
) **U.S. Bankruptcy Judge**

NOTICE OF HEARING

TO: Attached Service List

PLEASE TAKE NOTICE THAT on **August 23, 2022, at 1:00 p.m.**, I shall appear before the **Honorable Jacqueline Cox**, or any other judge sitting in her stead and request a hearing on the **Trustee's Motion To Authorize Payment of Administrative Expense of Income Taxes to United States Treasury and Illinois Department of Revenue and to Limit Notice**, a copy of which is attached hereto and thereby served upon you.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <http://www.zoomgov.com/>. Then enter the meeting ID.

To appear by telephone, call (669) 254-5252 or (646) 828-7666. Appearing by telephone will require extra clearance before being allowed into the hearing.

Meeting ID and password. The meeting ID for this hearing is 161 273 2896 and the password is 778135. The meeting ID and password can also be found on the judge's page on the court's website.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, these motions will be called on the presentment date. If no Notice of Objection is timely filed, the Court may grant the motions in advance without a hearing.

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, hereby state that pursuant to Section II, B, 4 of the Administrative Procedures for the Case Management/Electronic Case Filing System, I caused a copy of the foregoing NOTICE OF MOTION and MOTION to be served on all persons set forth on the attached Service List identified as Registrants through the Court's Electronic Notice for Registrants and, as to all other persons on the attached Service List by mailing a copy of same in an envelope properly addressed and with postage fully prepaid and by depositing same in the U.S. Mail, Chicago, Illinois, on 15th day of August, 2022.

/s/ Gregory K. Stern

Gregory K. Stern

Gregory K. Stern (Atty. ID #6183380)
Monica C. O'Brien (Atty. ID #6216626)
Dennis E. Quaid (Atty. ID #02267012)
Rachel S. Sandler (Atty. ID #6310248)
53 West Jackson Boulevard, Suite 1442
Chicago, Illinois 60604
(312) 427-1558

SERVICE LIST

Registrants Served Through The Court's Electronic Notice For Registrants

Patrick S. Layng
Office of the U.S. Trustee, Region 11
219 South Dearborn Street, Room 873
Chicago, Illinois 60604

David R. Herzog
Law Offices of David R. Herzog
53 West Jackson Blvd, Suite 1442
Chicago, Illinois 60604

Nicola Tancredi
Two North TransAm Plaza Dr., Suite 250
Oak Brook Terrace, Illinois 60181

Debra Devassy Babu
Askounis & Darcy, PC
444 North Michigan Avenue, Suite 3270
Chicago, Illinois 60611

Jamie L Burns
Levenfeld Pearlstein, LLC
2 North LaSalle Street, Suite 1300
Chicago, Illinois 60602

Whitman H. Brisky
Mauck & Baker LLC
1 North LaSalle Street, Suite 600
Chicago, Illinois 60602

Christopher R. Schmidgal
Law Office of Garry A. Weiss, PC
Six West 73rd Avenue
Merrillville, Indiana 46410

Charles Tatelbaum
Tripp Scott PA
110 SE 6 Street, 15th Floor
Fort Lauderdale, Florida 33301

James M. Yannakopoulos
Koransky Bouwer & Poracky PC
425 Joliet Street, Suite 425
Dyer, Indiana 46311

Bryan D King
Andrew Jacobson
Brown Udell Pomerantz Delrahim
225 W. Illinois, Suite 300
Chicago, IL 60654

Daniel S Hefter
Hefter Law, Ltd.
22 W. Washington, Suite 1500
Chicago, IL 60602

Cindy M. Johnson
Johnson Legal Group, LLC
140 S. Dearborn, Ste 1510
Chicago, IL 60603

Victor J. Allen
Justin Mertz
Michael, Best & Friedrich, LLP
790 N. Water St., Ste 2500
Milwaukee, WI 53202

Jeffrey Paulsen
Law Offices of Wm J. Factor, Ltd.
105 W. Madison, Ste 1500
Chicago, IL 60602

Parties Served By United States Mail

Michael Helmstetter
3939 North Star Trail
Odessa, Florida 33556

ADG
Attn: William H. Kelly, Partner
5810 W. 78th Street, Suite 300
Minneapolis, MN 55439

Beerman LLP
161 N Clark Street, Suite 3000
Chicago, IL 60601

J. Kevin Benjamin
Benjamin Legal Services, PLC
1015 West Jackson Blvd.
Chicago, Illinois 60607

Chase Card Services
P.O. Box 15298
Wilmington, DE 19850

FCA, aka Fiat
c/o Quarles & Brady
300 N. LaSalle Street, Suite 4000
Chicago, Illinois 60654

Ft. Worth Brothers Automotive LLC
c/o Burke Warren McKay Serritella
330 N. Wabash 21st Floor
Chicago, IL 60611

Terry Gaouette
8021 Greenmeadow Lane
Greendale, WI 53129

Illinois Department of Revenue
Bankruptcy Unit
PO Box 19035
Springfield, IL 62794-9035

IRS
PO BOX 7346
Philadelphia, PA 19101-7346

Monroe Capital
311 South Wacker Drive, Suite 64
Chicago, Illinois 60606

Oak Group bba Warranty Sol'n Mngt Corp
7125 W. Jefferson Ave., Suite S-200
Denver, CO 80235

Oceantime LLC
3208 NE 10th Street
Pompano Beach, FL 33062-3908

O'Rourke & Moody
c/o Michael C. Moody
55 West Wacker Drive, Suite 1400
Chicago, Illinois 60601

Painted Sky/Adam Wimmer
1225 17th Street, Suite 2650
Denver, CO 80202

Pearl Capital Business Funding, LLC
525 Washington Blvd
22nd Floor
Jersey City, NJ 07310

Premium Business Solutions
8019 N. Himes
Tampa, Florida 33611

Reyna Capital Corporation
One Reynolds Way
Kettering, OH 45430

Ridgestone Bank
500 Elm Grove Road
Suite 102
Elm Grove, WI 53122

Ronald Richardson
329 W. 18th Street
Chicago, Illinois 60616

Ultegra Financial Partners, Inc.
1009 18th Street, Suite 2860
Denver, CO 80202

West Lake Financial Services
4751 Wilshire Blvd.
Suite 100
Los Angeles, CA 90010

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE) Chapter 7
)
MICHAEL HELMSTETTER,) Case No. 19-28687
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Debtor.) Hon. Jacqueline Cox
) U.S. Bankruptcy Judge
) Hearing Date and Time:
) **August 23, 2022, at 1:00 p.m.**

**TRUSTEE'S MOTION TO AUTHORIZE PAYMENT OF ADMINISTRATIVE
EXPENSE OF INCOME TAXES TO UNITED STATES TREASURY AND
ILLINOIS DEPARTMENT OF REVENUE AND TO LIMIT NOTICE**

NOW COMES **DAVID R. HERZOG**, not individually, but solely in his capacity as Chapter 7 Trustee (the “**Trustee**”), by and through his attorneys, Gregory K. Stern, Monica C. O’Brien, Rachel S. Sandler and Dennis E. Quaid (“**Trustee’s Counsel**”) and pursuant to 11 U.S.C. §§105(a) and 503(a)(1)(B), and requests that this Court enter an order granting **Trustee’s Motion to Authorize Payment of Administrative Expense of Income Taxes to United States Treasury and Illinois Department of Revenue and to Limit Notice**. In support of his Motion, the Trustee represents and states as follows:

A. BACKGROUND

1. Michael Helmstetter (the “**Debtor**”) filed a Voluntary Petition for relief under Chapter 7 of the United States Bankruptcy Code Court commencing the instant case and David R. Herzog (the “**Trustee**”) was appointed as trustee in this case, continuing as the duly appointed and acting Chapter 7 Trustee for the bankruptcy estate of the Debtor (the “**Estate**”).

2. This Court has jurisdiction over the subject matter of this Motion pursuant to 28 U.S.C. §1334; venue of this Title 11 case is proper in this District pursuant to 28 U.S.C. §1408; and, this matter constitutes a core proceeding under 28 U.S.C. §157(b)(2)(A), (B), (N) and (O).

3. This Court has the constitutional authority to adjudicate the subject matter of this Motion as affecting property of the Estate. The Trustee consents to this Court's adjudication of the subject matter of this Motion and the entry by the Court of a final order deciding the Motion.

B. SALE OF 33% OF COMMON STOCK OF KINGDOM CHEVROLET, INC., TRANSFER OF DISPUTED STOCK INTEREST OF WESTERN AVENUE NISSAN, RELEASE OF CAUSES OF ACTION AND TRANSFER OF MISCELLANEOUS ASSETS

4. By this Court's order dated September 1, 2021, the Trustee was authorized to settle controversies and sell to Kingdom Chevrolet, Inc. ("Kingdom") certain assets including (i) 33% of the Common Stock of Kingdom owned by the Debtor, (ii) transfer to Kingdom of its principal, Richard Ruscitti ("Ruscitti") 25% of the Common Stock of Western Avenue Nissan ("Western Avenue") claimed to be owned by Debtor, which ownership interest was disputed by Western avenue and Ruscitti, (iii) release causes of action against Kingdom, Western Avenue and Ruscitti asserted by Debtor and (iv) transfer the disputed interest of Debtor in certain advertising companies and reinsurance companies controlled by Ruscitti.

5. Pursuant to the terms of the September 1, 2020, order, the Trustee consummated Kingdom and Ruscitti the settlement and sale on August 16, 2021. The Trustee received the price of \$555,000.00 at the closing.

6. The Trustee's accountant has prepared income tax returns for the estate for the tax year of 2021 reporting liabilities of the estate for taxes on the Kingdom transaction of (i) \$17,272.00 owed to the United States Treasury and (ii) \$8,105.00 owed to the Illinois Department of Revenue.

7. The tax liabilities referenced in Paragraph 6 constitute administrative expenses pursuant to Section 503(a)(1)(B) of the Bankruptcy code as being a "tax - incurred by the estate, . . . "

8. Section 503(a) permits "An entity may timely file a request for payment of an administrative expense . . ." The Trustee requests authorization for payment of the income taxes owed

to the United States Treasury and Illinois Department of Revenue in the amounts stated above as administrative expenses.

C. NOTICE

9. The Trustee has served a notice of this motion by mail or through the Court's CM/ECF system to the following persons: (i) the Debtor and his present counsel; (ii) the United States Trustee; (iii) the twenty largest unsecured creditors; and (iv) all parties that have filed appearances or requested notices through the Court's CM/ECF system. Due to the volume of creditors in this case, the Trustee is requesting that notice pursuant to Rule 2002 be limited to the individuals listed in the preceding sentence, for cause shown.

D. PRAYER FOR RELIEF

WHEREFORE, the Trustee respectfully requests that the court enter orders substantially in the forms annexed hereto: (i) authorizing the Trustee to pay the sum of \$17,272.00 to the United States Treasury and the sum of \$8,105.00 to the Illinois Department of Revenue as administrative expenses; (ii) limiting notice pursuant to Rule 2002 to the twenty largest creditors; and, (iii) granting such other and further relief as is just and proper.

By: /s/ Gregory K. Stern
Gregory K. Stern, Attorney for Trustee

Gregory K. Stern (Atty. ID #6183380)
Monica C. O'Brien (Atty. ID #6216626)
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